
MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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6A--INTRODUCTION

1. PURPOSE

Medi-Cal is not available to certain individuals in a public institution or in an institution for mental diseases (IMDs). Federal Medicaid regulations prohibit Federal Financial Participation (FFP) for certain individuals due to institutional status. This article will distinguish for both adults and juveniles who is eligible for Medi-Cal benefits if an individual is a resident of a public institution or IMD.

2. BACKGROUND

Title 42, United States Code (U.S.C.), Section 1396d and Title 42, Code of Federal Regulation (CFR), Section 435.1008(a)(1) state that FFP is not available in expenditures for services provided to individuals who are residing in public institutions. Title 42 CFR Section 435.1009 states that an inmate of a public institution is a person who is residing in a public institution.

Under federal guidelines from the Health Care Financing Administration (HCFA), dated January 13, 1992, to the Director of the Arizona Health Care Cost Containment System, the term "inmate of a public institution" was further defined for purposes of Medicaid eligibility under Title XIX of the Social Security Act (SSA). The guidelines clarify that an individual is considered an "inmate of a public institution" from the date of actual incarceration in a prison, county, city, or tribal jail until permanent release, bail, probation, or parole.

Under the Social Security Act (SSA) Section 1905(a)(24)(A) and (B), Medicaid services are available for any individual over age 65 in an institution for mental diseases (IMDs), and is available for psychiatric inpatient hospital services for individuals up to age 22. HCFA Medicaid Regional Memo Number 98 clarified that an individual between the ages of 22 and 65 may be eligible for Medi-Cal/Medicaid, but there is no FFP. These persons may be eligible for state-only Medi-Cal with no FFP.

HCFA has continued to approve California's waiver request for the Medi-Cal Specialty Mental Health Services Consolidation Program authorized under Section 1915(b)(1) and 1915(b)(4) of the Social Security Act as long as California demonstrates that the program is consistent with the purpose of the Medicaid Program and complies with specific conditions set forth in their waiver approval, which include outreach and identification activities and coordination with programs such as foster care, special education, and juvenile justice.

For persons of any age who are detained under the penal system, the responsible third party is the penal institution or administration who retains authority over the individual. Under Section 4011.1 of the Penal Code a county may choose to cover prisoners under the county medical program; however, such coverage is optional. If a county does not choose to cover prisoners, the medical provider must collect directly from the penal authority, i.e., city jail for city prisoners, county jail or sheriff's office for county prisoners, etcetera.

3. IMPLEMENTATION

HCFA guidelines which clarified the federal statute were sent to all county welfare departments on July 7, 1993. A retroactive period of one year previous to this date was granted for any case which resulted in a wrongful denial of Medi-Cal eligibility based upon institutional status. This would include any case wherein the final determination of ineligibility was made during the time period July 7, 1992 until July 7, 1993.

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6B--PUBLIC INSTITUTION

1. DEFINITION

Public (nonmedical) institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Individuals in these public institutions are not eligible for Medi-Cal.

2. PUBLIC INSTITUTIONS

The following are identified as public institutions, and Medi-Cal is not available for inmates of these institutions:

- State or Federal Prisons
- Correctional Facilities
- County, city or tribal Jails
- Detention Centers
- CYA Camps

The following facilities may be publicly operated community residences that serve no more than 16 residents, but they are considered public institutions and Medi-Cal is not available for residents of these institutions:

- residential facilities located on the grounds of or adjacent to any large institution;
- correctional or holding facilities for prisoners or individuals being held under court order as witnesses;
- detention facilities, forestry camps, training schools, or any other facility for children determined to be delinquent; or,
- educational or vocational training institutions that provide an accredited program for its residents.

[NOTE: Persons who reside in public institutions in order to receive educational or vocational training provided by the facility (e.g., a state school for the blind) are not considered to be "inmates" of public institutions and are therefore entitled to Medi-Cal coverage if they are otherwise eligible.]

3. NOT PUBLIC INSTITUTIONS

The following facilities are **not public institutions** and Medi-Cal is possible:

- a medical institution;
- an intermediate care facility;

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- a publicly operated community residence that serves no more than 16 residents, or
- a child care institution
 - for children who receive foster care payments under Title IV-E of Social Security Act (SSA),
 - for children who receive CalWORKs-foster care under Title IV-A of SSA,
 - that accommodates no more than 25 children,
- an institution for the mentally retarded or persons with related conditions (chronic disability attributable to cerebral palsy or epilepsy or any other condition other than mental illness closely related to mental retardation), Eligibility and placement is usually through Regional Center Administered by the Department of Developmental Services
- a community care facility (Health & Safety Code, Section 1502) Any facility, place, or building which is maintained and operated to provide nonmedical, 24-hour residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children
 - Residential Facility - family home, or group care facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual
 - Adult Day Care Facility - provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of individual on less than 24-hour basis
 - Therapeutic Day Services Facility - provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than 24-hour basis to persons 18 years or under who would otherwise be placed in foster care or are returning to family from foster care
 - Foster Family Home - residential facility which provides 24-hour care for six or fewer foster children and is the residence of the foster parent or parents, including their family
 - Small Family Home - residential facility which provides 24-hour care to six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities This home can also accept children without special health care needs
 - Social Rehabilitation Facility - a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling
 - Community Treatment Facility - residential facility which provides mental health treatment services to children in a group setting

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- Group Homes - residential facility which provides 24-hour care and supervision for juveniles under age 18 who have been adjudged wards of the court for violation of a state or federal law. Pending legislation may require reporting the presence of these juveniles to local law enforcement authorities. (Section 1530.8, Health & Safety Code.)
- Temporary shelter care facility – a 24-hour residential facility owned and operated by the county that provides short-term residential care and supervision for dependent children under 18 years of age who have been removed from their home because of abuse or neglect. (Section 300, Welfare & Institutions Code; Section 1530.8, Health & Safety Code.)

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6C--INMATES OF A PUBLIC INSTITUTION

Counties must consider both the facility and the person's circumstances when making a Medi-Cal determination of eligibility for either a juvenile or an adult who is incarcerated or placed in any type of public institution. In making these determinations, follow the guidelines below as well as the chart in Section 6H:

1. THE FOLLOWING MAY NOT RECEIVE MEDI-CAL BENEFITS:

- a. An inmate in a prison;
- b. An inmate of a county, city, or tribal jail; or,
- c. An inmate in a prison or jail:
 - Prior to arraignment;
 - Prior to conviction; or,
 - Prior to sentencing.

Unless they are out on bail or own recognizance (OR).

- d. An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.
- e. Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency.
- f. A minor in a juvenile detention center prior to disposition (judgment) due to criminal activity of the minor.
- g. A minor, after disposition, placed in a detention or correctional facility, including a youth ranch, forestry camp, or home which is part of the criminal justice system.
- h. A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.
- i. A minor placed on probation by a juvenile court or on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.

2. THE FOLLOWING MAY RECEIVE MEDI-CAL BENEFITS:

- a. An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.
- b. An individual in prison or jail who transfers temporarily (one to two months) to a halfway house or residential treatment facility prior to a formal probation release order.
- c. An individual released from prison or jail on probation, parole, or release order, with a condition of:
 - home arrest;
 - work release;
 - community service;

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- outpatient treatment; or,
 - inpatient treatment.
- d. Individuals released from prison or jail under a court probation order due to a medical emergency.
- e. A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary (one to two months). This could include those juveniles awaiting placement but still physically present in juvenile hall.
- f. A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.
- g. A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system. This would include juveniles who become wards of the court and placed in a 24-hour non-medical residential facility which provides counseling and other rehabilitative services. (AB 2773 (Ch. 1056, Stats. 1998); AB 2310 (Ch. 572, Stats. 1998).)
- h. A minor placed on probation by a juvenile court or on juvenile intensive probation with treatment as a condition of probation:
- in a psychiatric hospital;
 - in a residential treatment center; or,
 - as an outpatient.
- i. Individuals with tuberculosis who are under an order of detention to protect public health:
- In a residential treatment center,
 - In a skilled nursing facility,
 - In a county, city, or tribal jail awaiting placement for treatment.

3. INMATES UNDER PENAL CODE SECTIONS 1367, 1370, and 1372

- a. **Penal Code 1367:** Those charged with a misdemeanor, but who are incompetent to stand trial, and who will be treated by a mental health facility.

Penal Code Section 1367 provides that "A person cannot be tried or adjudged to punishment while that person is mentally incompetent." If the judge finds reason to believe that the defendant may be incompetent to stand trial, he/she may order that the defendant be referred for 72-hour treatment and evaluation. Defendant may receive Medi-Cal benefits. If evaluation results in placement in a mental health facility for treatment, then the individual may receive Medi-Cal services. **Place the individual in an appropriate aid code for disability.**

- b. **Penal Code 1370:** A Murphy Conservatorship may be established if a state hospital patient charged with a specified serious felony is not restored to competence upon expiration of a Penal Code 1370 commitment. The establishment of a Murphy Conservatorship ends the Penal Code commitment, regardless of the expiration date of the Penal Code 1370

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commitment. A Murphy Conservatorship requires the determination that the patient is gravely disabled in accordance with Welfare and Institutions Code (WIC) Section 5008 (h)(1). This state hospital patient may receive Medi-Cal benefits and should be placed in a qualifying aid code.

- c. **Penal Code 1372:** Those felons incompetent to stand trial, previously treated at the state hospital, but whose competency has been restored and are returned to the Inpatient Unit to stand trial. When a defendant is returned to court with a certification that competence has been regained, the court shall determine whether the person is entitled to be admitted to bail. An individual who is released from incarceration on bail is not a resident of a public institution, and may be eligible for Medi-Cal. If not released on bail, the individual is likely to be held in a prison or jail prior to conviction or sentencing. The individual would then be a resident of a public institution, and would not receive Medi-Cal benefits.

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6D--JUVENILES IN PUBLIC INSTITUTIONS

In determining the Medi-Cal eligibility of juveniles (under the age of 18), the Health Care Financing Administration (HCFA) distinguishes between the nature of the detention, pre- and post-disposition situations, and types of facilities.

1. Disposition

Disposition in a juvenile case is the decision made by the court for the juvenile's welfare. A disposition order is the court decision as to whether the minor will be placed in foster care, sentenced, placed on probation, or released either temporarily or permanently. When the juvenile is adjudged a "Ward of the Court" and is awaiting foster care placement and not awaiting sentencing for a criminal violation of law, the juvenile is eligible for Medi-Cal.

2. Before Disposition

A juvenile who is in a detention center due to criminal activity is a resident of a public institution and is not eligible for Medi-Cal.

A juvenile who is in a detention center due to care, protection, or in the best interest of the child is not an "inmate of a public institution" if there is a specific plan for him/her that makes the stay temporary (one to two months). He/She may be eligible for Medi-Cal.

3. After Disposition

Juveniles on intensive probation with a plan of release which includes residence in a detention center are not eligible for Medi-Cal benefits until released. If the juvenile is placed on intensive probation in a residential facility, he/she is eligible for Medi-Cal benefits if the facility is not part of the criminal justice system.

4. Nature of the Facility

The nature of the facility is extremely important in determining Medi-Cal eligibility because federal regulations at Title 42, Code of Federal Regulations, Section 435.1008 prohibit Federal Financial Participation (FFP) to "inmates of public institutions." Title 42 CFR 435.1009 defines a public institution. Publicly operated community residences that serve no more than 16 residents are excluded from this definition except as specified in 6B-2, and FFP is allowed for these facilities. These facilities may be psychiatric nursing facilities licensed by the Department of Mental Health or other community care facilities. In making an eligibility determination, both the **status** of the juvenile and the **facility** must be taken into consideration. The juvenile is not eligible if he/she is a resident of a public institution for a criminal offense.

EXAMPLE:

A juvenile is detained for criminal activity. He/she is placed on probation with specific conditions of release, including a stay of 30 days or longer at a detention facility. The facility is identified as a juvenile detention center, not a treatment center. Upon release from this detention center, he/she would be placed on probation with his/her mother. Because of the nature of his/her custody and the nature of the facility as a detention center (public institution), he/she is not eligible for Medi-Cal benefits. The juvenile is living in a public institution and is not eligible for Medi-Cal benefits during the period of incarceration. After release from the detention center and while on probation, the juvenile may be eligible for Medi-Cal benefits.

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Do not consider that a short stay in a detention facility as set forth above is a temporary placement pending other arrangements. Under HCFA guidelines, this would be incorrect. Incarceration in a detention center due to criminal activity makes the juvenile an inmate of a public institution and ineligible for Medi-Cal benefits. If the juvenile were awaiting placement in juvenile hall after his/her case was adjudicated and he/she was declared a Ward of the Court, he/she would be eligible for Medi-Cal because he/she would be considered a foster care child awaiting placement by the court.

5. Foster Care

The purpose of the Foster Care Program is to provide financial and medical assistance for those children who are in need of substitute parenting and who have been placed in foster care – that is, outside of the home of the parents or legal guardian. Juveniles may be declared Wards of the Court with the Court being the entity that decides which placement is in the best interests of a juvenile or child. Foster Care placement may be in a relative's or non-relative's home as well as a ranch, institution, group home, or a facility which offers 24-hour non-medical care and is not under the criminal justice system.

Foster Care children are automatically eligible for Medi-Cal after utilizing whatever other health coverage is available. This is clarified in Section 903 of the Welfare and Institutions Code, Liability for Costs of Support. The Medi-Cal program automatically grants a Medi-Cal card to children in Foster Care.

Foster Care children are excluded from being classified as an "inmate of a public institution" when such children are temporarily in an institution pending more suitable arrangements such as Foster Care placement in a foster family or group home. Specifically, this includes a minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if there is a specific plan for that person that makes the stay at the detention center temporary (one to two months). This could include those juveniles awaiting placement but still physically present in juvenile hall.

The Kin-GAP Program was implemented on January 1, 2000, via the California Department of Social Services All County Letter No. 99-97. This program specifically serves children who are leaving the foster care system and enter a guardianship with a relative. Two new aid codes have been designated for the Kin-GAP program:

4F: Kin-GAP program for children in relative placement receiving cash assistance with federal financial participation (FFP) on cash payments. Children in this aid code receive full-scope Medi-Cal services.

4G: Kin-GAP program for children in relative placement receiving cash assistance with no FFP on the cash payments. This is a state-only cash assistance program in which children will receive full-scope Medi-Cal benefits.

6. Emergency Assistance (EA) Program

The EA program is a federally funded program under Title IV-A of the Social Security Act. Federal funding of 50 percent (50 percent federal/50 percent county) is available for a period of up to 12 months or until the emergency is over, whichever is less, for children under the age of 22 in accordance with 45 CFR 233.120. Eligibility for EA requires that an emergency must exist within the family in order for a child to be considered eligible for assistance.

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There are two distinct definitions of an "emergency" that apply to probation cases and child welfare services cases. The definition of an emergency for a probation case is "a child's behavior that results in the child's removal from the home and a judicial notice that the child must remain in out of home care for more than 72 judicial hours." The definition of an emergency for a child welfare services case is "a child is at risk of abuse, neglect, abandonment or exploitation."

The Medi-Cal program has implemented two new aid codes to be used for the EA Foster Care portion of the EA program:

- 4K - for probation cases which result in out-of-home Foster Care; and,
- 5K - for children at risk of abuse, neglect, abandonment, or exploitation placed in out-of-home Foster Care.

Children receiving EA services who are temporarily detained in an institution, such as a county operated juvenile assessment center or residential treatment facility pending foster care placement, are prohibited from being placed into the 4K (Probation) or 5K (Child Welfare Services) aid codes. These children, if determined Medi-Cal eligible, will remain in aid code 45.

7. Sample Disposition Orders

In making a determination of eligibility for a juvenile who has entered the juvenile justice system, it is very important to review the judge's decision. The decision or dispositional order must be read to determine both the **status** of the minor and to determine the **nature** of the facility where he will be placed. Because of the diversity of juvenile and adult court orders and the judgements rendered and/or specific situations pertinent to each individual case, several case situations and the Medi-Cal eligibility determination are listed below to demonstrate that each must be read individually to determine Medi-Cal eligibility.

- a. Juvenile Court Order Status: Minor is in Foster Care in Licensed Residential Treatment Facility. Minor is eligible for Medi-Cal.
- b. Juvenile Court Order Status: Minor is on Probation Awaiting Placement in Foster Care. Minor is eligible for Medi-Cal.
- c. Juvenile Court Order Status: Minor is on Probation with residence in Licensed Residential Facility pending permanent placement. Minor is eligible for Medi-Cal.
- d. Juvenile Court Order Status: Placement in psychiatric facility - furtherance of detention under Section 602. Minor is not eligible for Medi-Cal.
- e. Juvenile Court Order Status: Minor is placed in Residential Treatment Center and then Psychiatric Hospital. Minor is eligible for Medi-Cal.
- f. Juvenile Court Order Status: Minor is placed with parents with permission to place minor in Mesa Vista Hospital. This would be viewed as Foster Care/Probation Placement with parents. Minor is eligible for Medi-Cal. If committed to psychiatric unit, Minor would continue to be eligible for Medi-Cal.
- g. Juvenile Court Order Status: Minor is released on Probation to parents with hospital stay; then placement to 24-hour school on release from hospital. Minor is eligible for Medi-Cal because Minor is on probation. If 24-hour school is part of criminal justice system and is a correctional facility, then Minor would not be eligible for Medi-Cal.

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- h. Juvenile Court Order Status – Minor is declared a Ward of the Court and is placed in a non-profit, residential facility which is a boy's camp to receive mentoring and counseling services. The facility is a 24-hour, non-medical facility which is not part of the criminal justice system. The minor would be eligible for Medi-Cal services. A ward of the court is a child for whom the court will make a determination for placement as a foster child.

The following Exhibits are included as examples of Disposition Orders:

- a. Exhibit A - Probation to Correctional Facility

A sample court order for a minor ordered to a juvenile detention center for a temporary period (one to two months) pending placement. This minor is eligible for Medi-Cal because of the temporary placement and because he/she is on probation.

- b. Exhibit B - Sentence to Correctional Facility

A sample court order for a minor committed to a correctional facility to serve a sentence—Clifton Tatum Center (correctional detention center) for five days. This minor is not eligible for Medi-Cal because he/she has been sentenced to a correctional facility for criminal activity.

- c. Exhibit C - Placement in Foster Care

A sample court order for a juvenile placed on probation and ordered to suitable placement. If placement is in foster care and not a correctional facility, this minor is eligible for Medi-Cal.

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EXHIBIT A

(A)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE:

Reporter: _____ Clerk: _____ Bailiff: _____

For: 4/06/93 Tuesday Dept: 35

4. 8:30 AM Case No: _____ MATTER OF _____ Filing Date: 5/08/90
Addl Info: _____

Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION
SUBSQ PETN: 03-23-93

MINOR:
DOB/DOD: 09/18/78

PRESENT BEFORE THE COURT:

☒ DDA: _____ ☒ SRO/CDA/Counsel: _____
☒ DPD: _____ ☐ Counsel: _____
☒ Minor ☒ Mother ☐ Father ☐ No App ☒ SRO - DAIR

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- ☒ Notice of hearing was given as required by law. ☐ Notice waived.
- ☐ Appearance of parent waived. ☒ Probation Report received ☐ waived.
- ☐ Psychiatric/Psychological report received.
- ☐ Legal residence of minor is ☐ Ventura ☐ _____ county
- ☒ Detrimental to minor's welfare to leave custody with the parents.
- ☒ Reasonable efforts have been made to prevent the need to remove minor from the home and to make it possible to return minor to the home.
- ☒ That the minor has been tried on probation in the custody of the parent(s) and has failed to reform. ☐ Minor has ability to pay fine
- ☐ Total maximum term of physical confinement: ☒ 6 Yrs. ☐ 4 mos.

COURT ORDERS:

- ☒ Minor ~~declined~~ continued as a ward of the court. ☒ Minor committed to the care of the probation officer for suitable placement in the Colston for a period not to exceed 60 days pending other arrangements suitable for his needs. The minor shall remain in such placement until allowed to leave by probation officer or further order of the Court.
- ☐ Credit for _____ days served. ☐ Hearings commencing _____
- ☐ Execution stayed until _____
- ☐ Custody removed from parents. ☐ Placed in care of probation officer for placement in ☐ suitable facility ☐ _____
- ☒ Upon release from Colston Minor released to mother on terms/conditions of probation ☒ attached ☐ heretofore ordered ☐ modified:
- ☐ Co. of Ventura to pay for care and maintenance of minor and parents directed to reimburse County provided they have the financial ability.
- ☐ Parent(s) of the minor, _____, is/are ordered to pay for the costs of legal services rendered to the minor in the amount of \$65, provided they have the financial ability to do so.
- ☐ Probation officer authorized to seek medical, dental, surgical care

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(A)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE: 2

For: 4/06/93 Tuesday Dept: 35

4. 8:30 AM Case No:
Addl Info:

MATTER OF

Filing Date: 5/08/90

- for minor as deemed necessary by a licensed physician or dentist.
- ☐ CSA to arrange for a psychiatric/psychological exam.
 - ☒ Parents ☐ to attend family counseling as directed.
 - ☒ Minor shall pay a fine in the amount of \$ to Restitution Fund.
☐ Stayed pending successful completion of probation per WIC 730.6
 - ☐ Transfer in accepted. ☐ Probation/wardship terminated.
 - ☐ Petition dismissed with/without prejudice.
 - ☒ Minor detained in ☒ CTC ☐ VCJ ☐ Waives right to be housed at CTC.
 - ☐ Minor waives Ray O. rights. ☐ Minor advised of appeal rights.
 - ☐ Placement staff to submit periodic progress reports.
 - ☐ Bench warrant ☐ issued ☐ recalled ☐ stayed until _____
 - ☒ Next hearing set for 4/20/93 at 8:30 a.m./p.m. in Courtroom 5
for review ☒ N/A ☐ Ricardo M. ☐ Time waived
 - ☐ 30 days stayed. to be calendared at discretion of Probation
 - ☐ PLACEMENT REVIEW SET ___/___/___ at ___ a.m./p.m. in Courtroom ___
 - ☐ MATTER CONTINUED TO ___/___/___ at ___ a.m./p.m. in Courtroom ___
 - ☐ OFF-CALENDAR ☐ SHERIFF to transport minor to _____
 - ☐ The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/revoked pursuant to Vehicle Code Section _____, based upon a sustained charge of violating Section _____ of the Vehicle/Penal/Health and Safety/Business and Professions Code.
 - ☐ Minor is detained pending delivery to ☐ JRP ☐ Colston ☐ _____
~~The minor is detained pending delivery to Colston~~

Judge's Signature

Superior Court
Executive Officer and Clerk

By: _____
Deputy Clerk

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TERMS AND CONDITIONS OF PROBATION

(A)

NAME: _____ DATE: 4-6-95 CASE NO.: _____

1. ☒ You shall obey the reasonable and proper orders of your parents/probation officer/placement staff/ _____ and report to your probation officer as directed.
2. ☒ You shall obey all laws, including city and county ordinances.
3. ☒ You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions and detentions to your probation officer.
4. ☐ You shall seek and maintain employment as directed by your probation officer.
5. ☒ You shall not associate with any person not approved of by your parents or probation officer. You are specifically ordered not to associate with _____ ~~any person not approved of by your parents or probation officer.~~
6. ☒ You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia. You shall submit to tests to determine if you have used any such substances.
7. ☒ You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
8. ☐ You shall not use, possess or inhale snuff, pipe or any substance which is likely to cause intoxication; inhale or knowingly associate with anyone using or possessing such substances and submit to tests for use of these.
9. ☒ You shall not possess any weapon, including but not limited to a firearm, a replica weapon and ammunition.
10. ☒ You shall submit to a search of your person, your residence, your vehicle or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest or reasonable cause for weapons, stolen property, alcohol/controlled substances, including marijuana, and related paraphernalia.
11. ☒ You shall participate in therapy or counseling programs as directed, show proof of attendance and continue until allowed to terminate by probation officer/court.
12. ☒ You shall not leave Ventura County for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents. You shall obey a special curfew of _____.
13. ☐ You shall complete _____ hours in the Community Work Program by _____.
14. ☒ You shall pay through Corrections Services Agency Collections Unit, 800 South Victoria, Ventura, CA 93009.
 - A. ☐ A fine in the amount of \$ _____ plus court assessment of \$ _____ by _____ payable at the rate of \$ _____ per month commencing on _____.
 - B. ☐ Restitution in the amount of \$ _____ to the State Restitution Fund by _____ payable at the rate of \$ _____ per month commencing _____.
 - C. ☐ Restitution in an amount and manner to be determined at a later hearing or by court order.
 - D. ☒ Restitution in an amount of \$ 47 by _____ payable at the rate of \$ 30.50 per month commencing (as previously ordered).
15. ☒ You shall serve time in the Clinton Tatum Center as follows:
 - A. ☐ _____ consecutive weekends commencing _____.
 - B. ☒ 26 days commencing February. Credit be given for 26 days already served.
 - C. ☒ 30 days served per "Ricardo M" pending court review of progress on probation.
16. ☒ You shall not drive a motor vehicle unless properly licensed and insured.
17. ☐ You shall attend Alcohol Information School ☐ Level I ☐ Level II.
18. ☐ You shall complete _____ days in the Community Work Program by _____.
19. ☒ Other See Attachment

I have received a copy of these terms and conditions, I understand and agree to each of the conditions checked above.

TERMS AND CONDITIONS OF PROBATION

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT
(A)

TERMS AND CONDITIONS OF PROBATION - PAGE 2

NAME: _____

DATE: 4-6-93

CASE NO. _____

20. ☒ During the period of your commitment or placement, you must obey the orders of the placement staff (as well as your probation officer) and participate in all required school, treatment, and other programming. In addition to the terms and conditions of probation which you must follow at all times you are on probation, you must also follow the following special terms during the period of time you are in placement.

You may not leave placement without the permission of placement staff. You shall not possess any weapons or stolen property. You shall not use or possess alcohol or any controlled substance, including marijuana. You shall submit to tests to determine if you have used any of these substances and submit to search of your person, your residence, your vehicle, or any personal or real property under your control for the above prohibited substances, weapons, or stolen property by placement staff, the probation officer, or any law enforcement officer.

21. ☐ You shall complete _____ hours of community service work while in the Juvenile Restitution Program or the equivalent amount of hours in a paid employment position approved by the probation officer.

You shall pay 80% of the net money earned while in JRP towards your court-ordered restitution or fines. ...

22. ☒ You shall not associate with any gang member, including but not limited to members of the Coleman Chavues 13. You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang. You shall submit to search of your person, residence, vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest or reasonable cause, to determine the presence of any of these items.

I have received a copy of these terms and conditions. I understand and agree to each of the conditions checked above.

Signature of Minor

TERMS AND CONDITIONS OF PROBATION - PAGE 2

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA JUVENILE COURT

(B)

JUDGE: _____ DATE: JUNE 02, 1993 TIME: 8:30 a.m.
 CLERK: _____ BAILIFF: _____ CASE NO.: _____
 REPORTER: _____ INTERPRETER: _____ ☐ Sworn ☐ Oath on File
 TITLE OF CASE: _____ NATURE OF PROCEEDINGS: (602)
 in the Matter of: ☒ Adjudication ☐ Prelim/Contest
☐ Transfer out ☐ Bench Warrant
☐ Detention

OB 10-10-77

Minor

PRESENT BEFORE THE COURT:

JDA: _____ DFD/EDA/Counsel: DORRA FORRY
 XPO: _____ County Counsel: _____

☒ Minor named above ☒ Mother ☐ Father ☐ _____
 The above-entitled case comes on for hearing upon the 602 Petition/Supplemental/Amended Petition ☐ _____
 filed on 05-17-93.

- ☐ Public Defender appointed to represent minor. ☐ Conflict declared.
- ☐ Conflict Defense Associates appointed to represent minor. ☐ _____ Relieved.
- ☒ Court/DOA explains meaning and contents of petition, nature and consequences where applicable, of right to appointed counsel. ☐ subject to claim by the County for reimbursement. ☒ Court/DOA informs minor of his/her constitutional rights. ☐ Petition amended on its face. ☐ Court/DOA advises minor re driving privilege.
- ☐ Minor waives appearance of parents. ☐ Guardian(s). ☐ Over the age of 18.
- ☐ Minor and counsel waive reading of petition and formal arraignment.
- ☐ Detention hearing report is read and considered.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- ☒ Notice of hearing was given as required by law. ☐ notice was waived.
- ☒ Minor understands nature of conduct alleged in petition and possible consequences of admission or plea of no contest. ☒ minor waives rights.
- ☐ Minor pleads no contest. ☒ admits allegations as to count(s) 2.
- ☒ Minor's plea is free and voluntary. ☐ minor understands wrongfulness of acts. ☒ Counsel stipulate there is a factual basis for entry of plea. ☐ court may consider all counts in determining restitution. ☒ Harvey Waiver.
- ☒ Allegations of petition are ☒ true ☐ not true as to count(s) WITH A HARVEY WAIVER AND COUNT 3 OUTRIGHT
- ☒ Petitioner moves the court to dismiss count(s) WITH A HARVEY WAIVER AND COUNT 3 OUTRIGHT
- ☒ Minor comes within provisions of Section 602. ☒ Legal residence is ☒ Ventura ☐ _____ County.
- ☒ Previous orders have not been effective in rehabilitation of minor.
- ☒ Total maximum term of physical confinement to be 3 _____ months/years(s).
- ☒ The court makes the appropriate findings pursuant to Section 1458(e) of the California Rules of Court and accepts the plea.

COURT ORDERS:

- ☒ Count(s) 1, 3 dismissed. ☐ Matter stricken from calendar.
- ☒ Petition sustained. ☐ Petition dismissed with/without prejudice.
- ☒ Offense(s) declared to be ☐ felony ☒ misdemeanor.
- ☒ Hearing continued to 06-27-93 at 1:30 ☐ session in Courtroom 35.
- ☒ for ☒ disposition ☐ _____ ☒ Time is waived.
- ☐ Detained in ☐ Clifton Tatum Center ☐ County jail ☐ _____ pending further hearing.
- ☐ Contest date heretofore set is vacated. ☐ Contest remains as scheduled.
- ☐ Minor released to ☐ parent(s) ☒ MOTHER and ordered to return.
- ☐ Home supervision ordered/continued. ☐ 24 hour.
- ☐ Bench Warrant ☐ issued ☐ recalled ☐ served until _____
- ☐ Corrections Services Agency to arrange for psychiatric/psychological examination.
- ☐ Matter transferred to _____ County pursuant to Section 750 WIC.

also _____

HEILA GONZALEZ, Superior Court
 Executive Officer and Clerk

By: _____
 DEPUTY CLERK

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA JUVENILE COURT

JUDGE: _____ DATE: JULY 22, 1993 TIME: 8:30 A.M.
CLERK: _____ BAILIFF: _____ CASE NO: J47467
REPORTER: _____ INTERPRETER: _____ [] Sworn [] Oath on File
TITLE OF CASE: NATURE OF PROCEEDINGS: (602)
In the Matter of [X] Disposition [] Ricardo M

DOB 10-10-77

Minor

PRESENT BEFORE THE COURT:

IDA: _____ DEF: _____
DFO: [X] Minor [] Mother [] Father []

The above entitled case comes on for hearing, the court having found that the Amended Original Petition filed on May 17, 1993 is true and minor is a person described in Section 602 of the WIC.

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- [X] Notice of hearing was given [] Notice waived [X] Appearance of parent waived [] Over age 18
[X] Probation report received [] Waived by minor and counsel
[] Reasonable efforts have been made to prevent the need to remove the minor from the home and to make it possible to return the minor to the home [] It would be detrimental to the welfare of the minor to leave custody with the parents [] Minor has the ability to pay fine
[] Total maximum term of physical confinement to be _____ months/years

THE COURT ORDERS:

- [X] Minor declared a ward of the court
[X] Minor committed to CTC for 5 days
[X] Credit for 0 days served
[X] Execution stayed until 07-30-93 08:00 a.m., Juvenile Hall
[] Custody removed from parents [] placed in care of probation officer for placement in [] suitable facility []
[] Upon release from [X] minor released to parents
[X] On terms and conditions of probation [X] attached [] heretofore ordered [] modified
[X] County of Ventura to pay for care and maintenance of minor and parents directed to reimburse the County provider they have the financial ability
[X] Parent(s) of the minor, _____, are ordered to pay for the costs of legal services rendered to the minor in the amount of \$ 65, provided they have the financial ability to do so.
[X] Parents [] _____ to attend family counseling as directed
[] Hearing continued/review set _____ at _____ a.m./p.m., courtroom
[] Appearance [] Non-appearance [] Ricardo M review [] [] Time waived
[] Minor detained in [] CTC [] County Jail [] Waives right to be housed at CTC
[X] 30 days stayed, to be calendared at discretion of CSA
[X] On motion of the petitioner, the court orders the Subsequent Petition filed on June 17, 1993 dismissed with a Harvey Waiver.
[X] The court indicates the minor shall not be responsible for paying for damage to the window as the damage has been paid for by another minor.
[X] The court orders the minor shall voluntarily surrender to the custody of Juvenile Hall on July 30, 1993 at 8:00 a.m.
[X] The court states for the record that, in the event the minor fails to voluntarily surrender on July 30, 1993, the court will impose additional custody order

DATED: JUL 23 1993

SEILA GONZALEZ, Superior Court
Executive Officer and Clerk

DEPUTY CLERK

REVISED 3/93

DISPOSITION JUVENILE-602 MINUTE ORDER

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

(B)

TERMS AND CONDITIONS OF PROBATION

Name

Date June 25, 1993

1. You shall obey the reasonable and proper orders of your parent(s)/probation officer and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detention to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with
6. You shall not drink or possess any alcoholic beverage and you must submit to tests to see if you have consumed alcohol.
7. You shall not possess any weapon, including, but not limited to firearms, a replica of any weapon, or ammunition.
8. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant, warrant of arrest, or reasonable cause for: weapons/stolen property/alcohol/property which is evidence of affiliation with or membership in any gang.
9. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
10. You shall not leave the County of Ventura for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents. You shall obey a special curfew of 9:00 P.M.
11. You shall complete ^{10 DAYS} ~~40 hours~~ ^{WEEKEND WORK} in the Community Work Program by 9-14-93.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

(B)

12. You shall pay restitution in an amount and manner to be determined at a later hearing or by ex parte order, in addition to all previously ordered restitution through the Corrections Services Agency, Collections and Revenue Services Unit, Hall of Justice, Room 205, 800 South Victoria Avenue, Ventura, CA 93009.

13. You shall serve ⁵15 days in the Clifton Tatum Center commencing forthwith; credit is given for 0 days already served.

14. You shall serve 30 days in the Clifton Tatum Center, stayed per Ricardo M. pending Court review of your progress on probation.

15. You shall not drive a motor vehicle unless properly licensed and insured.

16. You shall not associate with any gang member, including, but not limited to members of the "Satia". You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang.

17. You shall not contact, annoy, or harass victims and nor shall you go on to the victims' properties.

I have received a copy of these terms and conditions. I understand and agree to abide by each of them.

Signature of Minor

Date

8-25-93

Signature of Witness

Date

8-25-93

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT C

EXHIBIT

(C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
JUVENILE MINUTE ORDER - 602 DISPOSITION
HON. STEVEN Z. PERREN

PAGE:

Reporter _____ Clerk _____ Bailiff _____

For 9/09/93 Monday Dest: 35

37. 10:00 AM Case No: _____ MATTER OF _____
Addl Info: _____ Filing Date: 9/01/88

Case: JUVENILE - 602 W&I
Trial:
Event: DISPOSITION S/PETN: 07-14-93
777 S/PETN: 08-09-93

MINOR:
DOB/DOD 08/21/76

----- J15
PRESENT BEFORE THE COURT

☒ DDA _____ ☒ DPD/CSA/Counsel _____
☒ DPD _____ ☐ Counsel: _____
☒ Minor ☐ Mother ☐ Father ☐ No App ☐ _____

AFTER EXAMINATION AND HEARING OF EVIDENCE, THE COURT FINDS:

- ☒ Notice of hearing was given as required by law. ☐ Notice waived.
☒ Appearance of parent waived. ☒ Probation Report received ☐ waived.
☐ Psychiatric/Psychological report received.
☐ Legal residence of minor is ☐ Ventura ☐ _____ county
☒ Detrimental to minor's welfare to leave custody with the parents.
☒ Reasonable efforts have been made to prevent the need to remove minor from the home and to make it possible to return minor to the home.
☐ That the minor has been tried on probation in the custody of the parent(s) and has failed to reform. ☐ Minor has ability to pay fine.
☒ Total maximum term of physical confinement: ☒ _____ yrs. ☒ _____ mos.

THE COURT ORDERS.

- ☒ Minor ~~remains~~/continues as a ward of the court. ☐ Minor committed to the care of the probation officer for suitable placement in the _____
for a period not to exceed _____ days pending other arrangements suitable for _____ needs. The minor shall remain in such placement until allowed to leave by probation officer or further order of the Court.
☐ Credit for _____ days served. ☐ Weekends commencing _____
☐ Execution stayed until _____
☒ Custody removed from parents. ☒ Placed in care of probation officer for placement in ☒ suitable facility ☐ _____
☒ Upon release from ☒ PLACEMENT ☐ Minor released to ☒ PARENT on terms/conditions of probation ☐ attached ☐ heretofore ordered ☐ modified:
☒ Co. of Ventura to pay for care and maintenance of minor and parents directed to reimburse County provided they have the financial ability.
☒ Parent(s) of the minor. ~~_____~~ ☒ 15 ~~mos~~ ordered to pay for the costs of legal services rendered to the minor in the amount of _____

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

EXHIBIT

(C)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA JUVENILE MINUTE ORDER - 602 DISPOSITION HON. STEVEN Z. PERREN

PAGE: 2

For: 8/09/93 Monday

Dist: 35

37. 10:00 AM Case No:
Addl Info:

MATTER OF

Filing Date: 9/01/88

- for minor as deemed necessary by a licensed physician or dentist.
- ☐ CSA to arrange for a psychiatric/psychological exam.
 - ☐ Parents ☒ MOTHER to attend family counseling as directed.
 - ☐ Minor shall pay a fine in the amount of \$ to Restitution Fund.
 - ☐ Stayed pending successful completion of probation per MIC 730.6
 - ☐ Transfer in accepted. ☐ Probation/marshship terminated.
 - ☐ Petition dismissed with/without prejudice.
 - ☐ Minor detained in ☒ CTC ☐ VCJ ☐ Waives right to be housed at CTC.
 - ☐ Minor waives Ray D. rights. ☐ Minor advised of appeal rights.
 - ☐ Placement staff to submit periodic progress reports.
 - ☐ Bench warrant ☐ issued ☐ recalled ☐ stayed until
 - ☐ Next hearing set for 08/23/93 at 2:30 a.m. in Courtroom 12
 - ☐ for review ☐ N/A ☐ Ricardo H. ☐ Time waived
 - ☒ 20 days stayed to be calendared at discretion of Probation
 - ☒ PLACEMENT REVIEW SET 02/09/94 at 2:30 a.m. in Courtroom 35
 - ☐ MATTER CONTINUED TO / / at a.m./p.m. in Courtroom
 - ☐ OFF-CALENDAR ☐ SHERIFF to transport minor to
 - ☐ The court hereby notifies the minor that his/her privilege to operate a motor vehicle is suspended/reversed pursuant to Vehicle Code Section based upon a sustained charge of violating Section of the Vehicle/Penal/Health and Safety/Business and Professions Code.
 - ☒ Minor is detained pending delivery to ☐ JRP ☐ Colston ☒ SUITABLE PLACEMENT
 - ☒ THE PREVIOUSLY SET PLACEMENT REVIEW OF SEPTEMBER - 1993
 - ☒ IS HEREBY VACATED.

Judge's Signature

Superior Court
Executive Officer and Clerk

By: Deputy Clerk

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

(C)

TERMS AND CONDITIONS OF PROBATION

Name

Date 8-9-93

J 40674

1. You shall obey the reasonable and proper orders of your parents/probation officer/placement staff and report to your probation officer as directed.
2. You shall obey all laws, including city and county ordinances.
3. You shall attend school as scheduled and cooperate with school officials. You shall report all class schedule changes, all unexcused absences, suspensions, and detentions to your probation officer.
4. You shall seek and maintain employment as directed by your probation officer.
5. You shall not associate with any person not approved of by your parents and probation officer. You are specifically ordered not to associate with _____ or _____ (prior order).
6. You shall not use or possess any controlled substance, including marijuana, or any related paraphernalia. You shall submit to tests to determine if you have used any such substances.
7. You shall submit to a search of your person, your residence, your vehicle, or any personal or real property under your control, at any time, by a probation officer or any law enforcement officer with or without a search warrant. Warrant of arrest, or reasonable cause for: controlled substances including marijuana and related paraphernalia, and property which is evidence of or affiliation with membership in any gang.
8. You shall participate in therapy or counseling programs as directed, show proof of attendance, and continue until allowed to terminate by the probation officer or the Court.
9. You shall not leave Ventura County for more than 72 hours without the prior permission of your probation officer and your parents. You shall not change your residence without the prior approval of your probation officer or remain away from your residence overnight without the permission of your parents.

(Continued on page two.)

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

(C)

Page two

10. You shall pay restitution in an amount of \$100 until paid payable at the rate of \$25 per month, as directed by you probation officer, in addition to all previously ordered restitution through the Corrections Services Agency Collections and Revenue Services Unit, Hall of Justice, Room 205, 800 South Victoria Avenue, Ventura, CA 93009.
11. You shall serve 51 days in the Clifton Tatum Center commencing forthwith; credit is given for 51 days already served.
12. You shall serve 30 days in the Clifton Tatum Center, stay: per Ricardo M. pending Court review of your progress on probation.
13. During the period of your commitment or placement, you must obey the orders of the placement staff (as well as your probation officer) and participate in all required school, treatment, and other programming. In addition to the terms and conditions of probation which you must follow at all time: you are on probation, you must also follow the following special terms during the period of time you are in placement.

You may not leave placement without the permission of placement staff. You shall not possess any weapons or stolen property. You shall not use or possess alcohol or any controlled substance, including marijuana. You shall submit to tests to determine if you have used any of these substances and submit to search of your person, your residence, your vehicle, or any personal or real property under your control for the above prohibited substances, weapons, or stolen property by placement staff, the probation officer, or any law enforcement officer.
14. You shall not associate with any gang member, including, but not limited to members of the Southside Chicanos. You shall not wear, display, use, or possess any article, insignia, emblem, photograph, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with, or membership in any gang.
15. You shall not contact or harass any of your past or present victims.

I have received a copy of these terms and conditions. I understand and agree to abide by each of them.

Signature of Minor

Date

Signature of Witness

Date

JH:ne3-11

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

6E--INSTITUTION FOR MENTAL DISEASES (IMD)

1. Definition

IMDs are defined in federal law as a hospital, nursing facility, or other institution of more than 16 beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services. Whether an institution is an IMD is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is licensed as such. An institution for the mentally retarded is not an IMD.

2. IMD Exclusion

The Social Security Act, Section 1905(a) (Title 42, United States Code (U.S.C.), Section 1396d); Title XVI, Supplementary Security Income for the Aged, Blind and Disabled, Section 1611 (Title 42, U.S.C., Section 1382); and Title 42, Code of Federal Regulations (CFR), Sections 435.1008 and 1009 prohibit federal financial participation (FFP) through Medi-Cal for individuals who are between 21 and 65 years of age in an IMD. However, even though the Act prohibits FFP for services provided to individuals in IMDs, they are still Medi-Cal eligible with no FFP. HCFA clarified that even though FFP is not available for services, this does not mean that the individuals may not be Medicaid eligible. They can be Medicaid eligible but there is no FFP for services.

3. Services Provided to Individuals 21 to 65 Years of Age in an IMD:

- Facility charges (the daily bed rate) is paid for by the county realignment program set up by the Bronzan-McCorquodale Act of 1992 for IMDs that are skilled nursing facilities with a special treatment program certified by the State Department of Mental Health and administered by the county mental health departments. The facility will bill the county mental health department.
- State-Only Medi-Cal outpatient ancillary services include Medi-Cal covered physician services, prescription drugs, laboratory and X-ray services, and dental and vision services. The facility or the service provider will bill the Medi-Cal program for these state-only services. When the beneficiary is a member of a Medi-Cal managed care plan, the facility or the service provider will bill the Medi-Cal managed care plan.
- State-Only Medi-Cal outpatient ancillary services include psychiatrist and psychologist services. When these services are delivered to treat the diagnoses listed in Title 9, California Code of Regulations, Section 1830.205, the services are the responsibility of county mental health plans (MHPs). The facility or the service provider will bill the county MHP. When the services are delivered to treat other diagnoses, the facility or service provider will bill the Medi-Cal program or the Medi-Cal managed care plan, if the beneficiary is a member of one of the few Medi-Cal managed care plans that cover specialty mental health services.

The CWD shall determine the Medi-Cal eligibility of an individual admitted to an IMD or who is a resident of an IMD as follows:

- If disability has not been established, request determination for disability, and place the individual in Aid Code 53 until disability has been determined.
- When disability has been approved, place the individual in a disability aid code.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

- The provider will bill Electronic Data Systems (EDS), the Medi-Cal managed care plan or the MHP as appropriate for state-only Medi-Cal outpatient ancillary services provided by the facility or other service providers.
- If the individual is transferred to a nursing facility that is not an IMD, the nursing facility may bill EDS or the Medi-Cal managed care plan for the facility charges. The provider of outpatient ancillary services may continue to bill for these services as described above.
- Share of Cost – In determining share of cost for these individuals, the county would allow a \$35 maintenance need. The difference between the individual's countable income and this maintenance need would be their share of cost (SOC). The Department of Mental Health must determine and capture the portion of IMD care which is paid for by the individual. The medical expense which is paid for by the individual must then be sent to Medi-Cal in order to clear the SOC.

4. Individual 22 Years of Age in an IMD

Under Section 1905(a) of the Social Security Act, if an individual between the ages of 22-65 has been receiving psychiatric inpatient hospital services prior to his/her 21st birthday and receives such services continuously until the age of 22, he is eligible for Medi-Cal benefits. Counties should continue to use Aid Code 82 (Medically Indigent - Children Under 21).

For an individual under 21 who is a patient in an IMD, the aid code assigned would be appropriate for the medical condition. If the individual was assigned Aid Code 82, a normal Eligibility Status Action Code (ESAC) ("1" or "6") could be used to place him/her in this aid code. When the individual reaches 21 years 1 month of age, he/she is placed on hold at Renewal and the alert message, "SPECIAL ESAC REQUIRED FOR AID CODE OR AID CODE AND AGE," is issued to the county.

The county can put a qualifying individual back on Medi-Cal Eligibility Data System (MEDS) in Aid Code 82 by assigning a special ESAC of "4" or "9." The individual then remains eligible until age 22.

At age 22 and 1 month, he/she will be placed on hold at Renewal and the alert message, "AGE NOT WITHIN ACCEPTABLE RANGE FOR AID CODE," is issued to the county. At this time, eligibility needs to be re-determined, and, if still eligible, place in a qualifying aid code.

Counties will be able to use Aid Code 82 with an ESAC of "4" or "9" on the following batch and line transactions:

EW05 Transfer County of Responsibility
EW15 Request Medi-Cal ID Card-New Eligible or Data Change
EW20 Add New Recipient
EW30 Modify Existing MEDS Record (Individual)

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

6F--MENTAL HEALTH MANAGED CARE

The State of California has expanded managed care in the Medi-Cal program in order to improve beneficiaries access to quality, coordinated services, and this includes implementation of a Medi-Cal Managed Mental Health Care System.

Phase I of this plan was the reform of the Short-Doyle/Medi-Cal program which was accomplished in 1993. Phase II was the consolidation of Short-Doyle and other Medi-Cal Specialty Mental Health Services. A Mental Health Plan (MHP) in each county is responsible for payment/authorization of Specialty Mental Health services through a contract with the State Department of Mental Health. Phase II was fully implemented on July 1, 1998.

Phase III will be the implementation of full capitated funding for mental health services through managed care contracts. State hospitals, however, will not be included in this capitation program.

The goal is to ultimately provide a system that will ensure that adequate services are accessible and provided in a coordinated, efficient, cost effective, and culturally competent manner, and under which mechanism care will be coordinated between the various physical health and mental health care facilities. The program provides specialty mental health services to ALL Medi-Cal beneficiaries in the county through a Mental Health Plan (MHP), a managed care plan specializing in mental health services.

1. Beneficiary Notice

In mid-1998 all counties were sent a packet of the Beneficiary Notice Re Medi-Cal Specialty Mental Health Services in Different languages. The notice was to be displayed in the county welfare offices and to be given to each Medi-Cal applicant or beneficiary.

2. Individuals Eligible to Receive Specialty Mental Health Services through the MHP:

All Medi-Cal beneficiaries are eligible to receive medically necessary psychiatric inpatient hospital, rehabilitative and case management services.

3. Medi-Cal Share of Cost

Mental health plans are required to cover Medi-Cal services. Medi-Cal beneficiaries with a share of cost are not eligible for Medi-Cal services until they meet their share of cost. Mental health beneficiaries are identified as an individual who has been certified eligible for services under the Medi-Cal program. Certification would mean that this beneficiary had met his/her share of cost. Once share of cost is met, the MHPs are responsible for providing services. However, this does not preclude a Medi-Cal beneficiary with a share of cost from receiving services from a provider in the MHP. The beneficiaries' payments to the mental health provider can count towards meeting the share of cost just as in the Medi-Cal program. MHPs are not contractually obligated to provide services before the share of cost is met, but they are not prohibited from doing so.

4. Not Qualified Aliens Under PRWORA

PRWORA prohibits certain Legal Permanent Residents and undocumented aliens from receiving full-scope Medi-Cal benefits. This would hold true for provision of mental health services through the county MHP. These aliens would receive emergency services. A 72-hour hold in Medi-Cal matches the criteria for an emergency admission for psychiatric inpatient hospital services, so the service would be covered for aliens with restricted benefits such as in Aid Code 58.

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

5. Minor Consent

Beneficiaries in Minor Consent aid codes in Medi-Cal are eligible for mental health benefits provided by the MHPs to the extent the services are covered by the aid category; e.g., psychiatric inpatient hospital services are not minor consent services and are not provided to beneficiaries in minor consent aid codes by the MHPs.

6. County MHPs are listed on the next few pages with local and toll-free telephone numbers, address, and implementation date:

MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
Alameda County Mental Health Plan 2000 Embarcadero Cove, Suite 400 Oakland, CA 94606 Local Number: (510) 567-8100 Toll-free Number: 1-800-491-9099	November 1, 1997	Colusa County Department of Behavioral Health Services 85 East Webster Street Colusa, CA 95932 Local Number: (530) 458-0520 Toll-free numbers: Business hours 1-888-793-6580 After hours 1-800-700-3577	April 1, 1998
Alpine County Mental Health Svcs. P.O. Box 545 Markleeville, CA 96120 Local Number: (530) 694-2146 Toll-free Number: 1-800-486-2163	June 1, 1998	Contra Costa County Mental Health Plan 595 Center Avenue, Suite 200 Martinez, CA 94553 Local Number: (925) 313-6101 Toll-free Number: 1-888-678-7277	April 1, 1998
Amador County Mental Health Plan 20 North Highways 49/88 Jackson, CA 95642 Local Number: (209) 223-6412 Toll-free Number: 1-888-310-6555	April 1, 1998	Del Norte County Mental Health Plan 206 Williams Drive Crescent City, CA 95531 Local Number: (707) 464-7224 Toll-free Number: 1-888-446-4408	April 1, 1998
Butte County Department of Behavioral Health 107 Parmac Road, Suite 4 Chico, CA 95926 Local Number: (530) 891-2810 Toll-free Number: 1-800-334-6622	April 1, 1998	El Dorado County Mental Health Plan 344 Placerville Drive, Suite 20 Placerville, CA 95667 <u>Local Numbers:</u> Beneficiaries call Administration (530) 621-6200 Placerville clinic (530) 621-6290 South Lake Tahoe clinic (530) 573-3251 Providers call (530) 621-6200 <u>Toll-free Number:</u> 1-800-929-1955	June 1, 1998
Calaveras County Mental Health Department 891 Mountain Ranch Road San Andreas, CA 95249 Local Number: (209) 754-6525 Toll-free Number: 1-800-499-3030	April 1, 1998	Fresno County Mental Health Plan 2536 No. Grove Industrial Drive Fresno, CA 93727 Local Numbers: (559) 488-2796 (8 a.m.-5 p.m.) Toll-free Number: 1-800-654-3937	April 1, 1998

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Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
Glenn County Mental Health 242 North Villa Willows, CA 95988 Local Number: (530) 934-6582 Toll-free Numbers: Business hours 1-888-624-5820 After hours 1-800-700-3577	April 1, 1998	Kern County Mental Health Department P.O. Box 1000 Bakersfield, CA 93302 Local Number: (805) 868-6600 Toll-free Number: 1-800-991-5272	November 1, 1998
Humboldt County Medi-Cal Managed Care Mental Health Care 720 Wood Street Eureka, CA 95501 Local Number: (707) 268-2955 Toll-free Number: 1-888-849-5728	April 1, 1998	Kings View Mental Health and Substance Abuse Services for Kings County 1393 Bailey Drive Hanford, CA 93230 Local Numbers: (209) 582-4481 (Hanford) (209) 992-2111 (Corcoran) (209) 386-5222 (Avenal) Toll-free Number: 1-800-655-2553	April 1, 1998
Imperial County Mental Health Plan 801 Broadway El Centro, CA 92243 Local Numbers: For Beneficiaries (760) 339-4501 (clinic) (760) 339-4496 (patient rights Advocate) For Providers (760) 339-4501 Toll-free Number: 1-800-817-5292	April 1, 1998	Lake County Mental Health Plan 922 Bevins Court Lakeport, CA 95453 Local Number: (707) 263-2258 Toll-free Number: 1-800-900-2075	June 1, 1998
Inyo County Mental Health Plan 162 J Grove Street Bishop, CA 93514 Local Number: (760) 873-6533 Toll-free Number: 1-800-841-5011	April 1, 1998	Lassen County Mental Health Plan 555 Hospital Lane Susanville, CA 96130 Local Number: (530) 251-8108 Toll-free Numbers: Beneficiaries 1-888-289-5004 Providers 1-888-530-8688	January 1, 1998
Los Angeles County Local Mental Health Plan 550 South Vermont Avenue 12 th Floor Los Angeles, CA 90020 Local Numbers: Beneficiaries (213) 738-2814 Providers (213) 738-4949 Toll-free Number: 1-800-854-7771	June 1, 1998	Merced County Mental Health Department 480 East 13th Street Merced, CA 95340 Local Number: (209) 381-6800 Toll-free Number: 1-888-334-0163	April 1, 1998

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Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
Madera County Mental Health Department 14215-A Road 28 Madera, CA 93638 Local Number: (209) 657-7850 Toll-free Number: 1-888-275-9779	April 1, 1998	Modoc County Mental Health Services 131-A Henderson Street Alturas, CA 96101 Local Number: (530) 233-6312 Toll-free Number: 1-800-700-3577	April 1, 1998
Marin Mental Health Plan Community Mental Health Services 250 Bon Air Road Greenbrae, CA 94904 Local Numbers: Beneficiaries (415) 499-4271 Providers (415) 499-7587 Toll-free Number: 1-888-818-1115	January 1, 1998	Mono County Mental Health P.O. Box 2619 Mammoth Lakes, CA 93546 Local Number: (760) 934-8648 Toll-free Numbers: Business hours 1-800-687-1101 After hours 1-800-700-3577	April 1, 1998
Mariposa Counseling Center Mariposa County 5085 Bullion Street Mariposa, CA 95338 Local Numbers: Beneficiaries (209) 966-2000 Providers (209) 966-2000 Toll-free Numbers: Beneficiaries 1-800-549-6741 Providers 1-800-549-6741	January 1, 1998	Monterey County Behavioral Health 1270 Natividad Road Salinas, CA 93906-3198 Local Number: Providers (408) 755-4509 Toll-free Number: 1-888-258-6029	January 1, 1998
Mendocino County Mental Health Services 860 North Bush Street Ukiah, CA 95482 Toll-free Number: 1-800-555-5906	January 1, 1998	Napa County Mental Health Plan 2261 Elm Street Napa, CA 94559-3721 Local Number: (707) 259-8151 Toll-free Number: 1-800-648-8650	April 1, 1998

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Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
Nevada County Mental Health Plan 10433 Willow Valley Road, Ste. A Nevada City, CA 95959 Local Number: (530) 265-1437 Toll-free Number: 1-888-801-1437	April 1, 1998	Sacramento County Mental Health Plan 2130 Stockton Boulevard Sacramento, CA 95817 Local Number (916) 875-1055 Toll-free Number: 1-888-881-4881	June 1, 1998
Orange County ABC Behavioral Health Plan 405 West 5th St., Ste. 550 Santa Ana, CA 92701 Toll-free Numbers: Beneficiaries 1-800-723-8641 Providers 1-800-716-1166	January 1, 1998	San Benito County Mental Health Plan 1111 San Felipe Road, Ste. 104 Hollister, CA 95023 Local Number (408) 636-4020 Toll-free Number: 1-888-636-4020	April 1, 1998
Placer County Mental Health Svcs. 11533 C Avenue Auburn, CA 95603 Local Number: (530) 889-6791 Toll-free Number: 1-800-895-7479 Also Serves Sierra County	November 1, 1997	San Bernardino County Dept. of Behavioral Health 700 E. Gilbert Street, Bldg. 6 San Bernardino, CA 92415 Local Number: (909) 381-2420 Toll-free Number: 1-888-743-1478 Toll-free (TDD): 1-888-743-1481	April 1, 1998
Plumas County Mental Health Plan 270 County Hospital Road, Ste. 229 Quincy, CA 95971 Local Number: (530) 283-6307 Toll-free Number: 1-800-757-7898	April 1, 1998	County of San Diego Mental Health Plan 3851 Rosecrans Street San Diego, CA 92110 Local Number: (619) 641-6800 Toll-free Numbers: Beneficiaries 1-800-479-3339 Providers 1-800-798-2254	July 1, 1998
Riverside County Mental Health Plan P.O. Box 7549 Riverside, CA 92513 Toll-free Number: 1-800-706-7500	November 1, 1997	San Francisco Mental Health Plan 1380 Howard Street, 5th Floor San Francisco, CA 94103 Local Number: (415) 255-3737 Toll-free Number: 1-888-246-3333	April 1, 1998
San Joaquin County Mental Health Plan 1212 North California Street Stockton, CA 95202 Toll-free Number: 1-888-468-9370	November 1, 1997	Shasta County 2640 Breslauer Way Redding, CA 96001 Local Number: (530) 225-5200 Toll-free Number: 1-888-385-5201	January 1, 1998

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Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
San Luis Obispo County Mental Health Plan 2180 Johnson Avenue San Luis Obispo, CA 93408 Local Number: (805) 781-4768 Toll-free Number: 1-800-838-1381	April 1, 1998	For Sierra County – See Placer County	
Santa Barbara County Mental Health Plan 300 North San Antonio Santa Barbara, CA 93101 Local Number for providers: (805) 884-1639 Toll-free Number: 1-888-868-1649	April 1, 1998	County of Siskiyou Behavioral Health Plan 804 South Main Street Yreka, CA 96097 Local Number: (530) 841-4100 Toll-free Numbers: 1-800-842-8979 (24 hours) 1-800-452-3669 (After-hours crisis line)	January 1, 1998
Santa Clara County Mental Health Department 645 South Bascom Avenue San Jose, CA 95128 Toll-free Number: 1-800-704-0900	June 1, 1998	Mental Health Plan of Sonoma County 3322 Chanate Road Santa Rosa, CA 95404 Toll-free Number: 1-800-870-8786	April 1, 1998
Santa Cruz County Mental Health Plan 1400 Emeline Avenue Santa Cruz, CA 95060 Local Number (408) 454-4170 Toll-free Number: 1-800-952-2335	June 1, 1998	Stanislaus County Mental Health Plan 800 Scenic Drive Modesto, CA 95350 Local Number for Providers: (209) 558-4639 Toll-free Number: 1-888-376-6246	January 1, 1998
Sutter-Yuba Bi-County Mental Health Plan (SYCMHP) 1965 Live Oak Boulevard Yuba City, CA 95591 Local Number: (530) 822-7200 Toll-free Number: 1-888-923-3800	April 1, 1998	Ventura County Mental Health Plan 300 Hillmont Avenue Ventura, CA 93003 Toll-free Number: 1-800-671-0887	April 1, 1998
Tehama County Mental Health Plan Tehama County Health Agency-- Mental Health Division 1860 Walnut Street Red Bluff, CA 96080 Local Number: (530) 527-5637 Toll-free Number: 1-800-240-3208	April 1, 1998	Yolo County Mental Health Plan 14 North Cottonwood Street Woodland, CA 95695 Local Number: (530) 666-8630 Toll-free Number: 1-888-965-6647	January 1, 1998

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Address/Telephone Number	Implementation Date	Address/Telephone Number	Implementation Date
Trinity County Counseling Center P.O. Box 1640 1 Industrial Park Way Weaverville, CA 96093 Local Number: (530) 623-1362 Toll-free Number: 1-888-624-5820	April 1, 1998	Yuba County Refer to: Sutter-Yuba Bi-County Mental Mental Health Plan	
Tulare County Health & Human Services Mental Health Branch 3300 South Fairway Visalia, CA 93277 Local Numbers: For beneficiaries (209) 733-6880 For providers (209) 733-6690 Toll-free Number: 1-800-320-1616	April 1, 1998	San Mateo County Mental Health Plan 225 37th Avenue San Mateo, CA 94403 Local Numbers: Beneficiaries (650) 573-2303 Provider Relations: (650)573- 2226 Consumer Relations: (650)573-2635 Toll-free Number:1-800-686-0101	April 1, 1995
Tuolumne County Mental Health Kings View Corporation 12801 Cabezut Road Sonora, CA 95370 Local Number: (209) 533-3553 Toll-free Number: 1-800-630-1130	June 1, 1998	Solano Partnership Health Plan Of California 421 Executive Court North, Suite A Suisun City, CA 94585 Local Numbers: Beneficiaries: (707)863-4120 Providers: (707)863-4284 Toll-free Number: 1-800-547-0495	May 1, 1995*

*Solano County provides Medi-Cal specialty mental health services through its county organized health system.

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6G--FLEEING FELONS

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Fleeing Felons are not eligible for CalWORKs, SSI/SSP, or Food Stamps. Medi-Cal eligibility is not denied. Drug abuse felons are likewise not eligible for the three programs, but they are distinctly allowed Medi-Cal benefits. Therefore, individuals who have violated probation or parole by committing a criminal act are eligible for Medi-Cal benefits until they are re-booked and incarcerated.

1 Fleeing Felon

An individual who is "fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of such State, or violating a condition of probation or parole imposed under Federal or State law" (PRWORA)

Fleeing Felons are subject to all the eligibility requirements of this Article and to Article 21 of the Medi-Cal Eligibility Procedures Manual (MEPM). Fleeing Felons who have not been booked, sentenced, or incarcerated are eligible for Medi-Cal benefits until one of the three has occurred.

2 Income Eligibility Verification System (IEVS)

The following data match systems have been implemented in the IEVS system:

- a Jail Registry System (JRS) Match - This match will be processed monthly from records submitted to the JRS by the city and/or county jails in the State of California. County staff are required to process matches received on all active Medi-Cal cases to determine if Medi-Cal benefits were received by a beneficiary while residing in a public institution for a criminal offense (Article 21M of MEPM).
- b California Youth Authority System (CYA) - CYA data files will be matched against MEDS for beneficiaries for the month of incarceration plus one prior month. County staff are required to process matches received and follow instructions in Recipient System Procedures Article 21E (Article 21J of MEPM).

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3. SSI CODES

The following chart identifies NEW Social Security Administration Payment Status Codes that will be sent through the State Data Exchange (SDX) regarding termination of benefits for certain individuals who are not eligible under PRWORA and the Balanced Budget Act for SSI benefits. These codes are for individuals who are not eligible for SSI/SSP-based Medi-Cal because of their residency status.

County welfare departments are not to do anything with these SDX codes. A&I will receive these codes and will review and evaluate the individual and will inform the county of the status of the individual on a form entitled "A&I Branch Investigative Report." At that point, the county may discontinue or deny Medi-Cal eligibility if necessary.

PAYMENT STATUS CODE (MEDS QX SCREEN)	RESIDENCY STATUS	MEDI-CAL ONLY ELIGIBILITY
N22	Claimant is an Inmate of a Public Institution.	Ineligible
N23	Claimant is not a resident of the United States.	Restricted Services
N24	Claimant has been convicted of a felony of fraudulently misrepresenting residence in order to receive benefits/services (SSI, Medicaid, CalWORKs, Food Stamps) simultaneously in two or more states.	Ineligible
N25	Claimant is fleeing to avoid prosecution for, or custody or confinement after conviction for, a crime which is a felony under the law of the place from which he/she flees, or is violating a condition of probation or parole imposed under Federal or State Law.	Eligible Until Re-Incarcerated

JUVENILES

VOLUNTARY
(Including Parolee/
Probationer)

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6H-CHART

INSTITUTIONAL STATUS OF AN INDIVIDUAL

TYPE OF INSTITUTION	Pre-Booking	Sentenced 21-64	Sentenced 65 or Over	Under W&I 601, 300*	Sentenced W&I 602	Others Under 21	21-64	65 or Over
Public Nonmedical Institution (Correctional)	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Ineligible	Ineligible	Ineligible
Public or Private General Medical Facility (non-IMD)	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Mental Facility IMD)	Eligible	Ineligible	Ineligible	Eligible to Age 22 in Specific Facilities	Ineligible	Eligible to Age 22 in Specific Facilities	Eligible	Eligible
Community Care Facility or Residential Treatment Center, or Board and Care Home (non-correctional)	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible
Public or Private Intermediate Care or Skilled Nursing Facility (non-IMD)	Eligible	Ineligible	Ineligible	Eligible	Ineligible	Eligible	Eligible	Eligible
House Arrest	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible

NOTE:

1. Approval of an application of an inmate eligible above shall be contingent upon all other eligibility criteria being met.
2. Person institutionalized prior to their 21st birthday is eligible until they reach their 22nd birthday as long as they remain continuously institutionalized and receive inpatient psychiatric care in an acute psychiatric hospital or a psychiatric health facility certified by Medi-Cal to provide inpatient hospital services.
3. Individuals released on bail or own recognizance (OR) are eligible for Medi-Cal.
4. Welfare and Institutions Code Number Explanations:
 - a. W&I 300 - Person needs care due to mental or physical deprivation.
 - b. W&I 601 - Uncontrollable - Ward of Court.
 - c. W&I 602 - Violation of law.
5. No one under sentence is eligible for Medi-Cal. However, under Penal Code Section 1367, if a person is incompetent to stand trial, he remains in a mental facility and is eligible for Medi-Cal.
6. If a Murphy Conservatorship is established, sentence is terminated and person is eligible for Medi-Cal.
7. If a person is under sentence but transferred to a residential treatment center or board and care home prior to release, he/she is eligible for Medi-Cal.
8. Fleeing Felons and violators of probation and parole are eligible for Medi-Cal until they have been re-incarcerated.
9. Individuals under an order of detention because of TB are eligible for Medi-Cal unless they are booked and sentenced for a criminal offense.

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6I-NOTICES OF ACTION

Since Title 22, California Code of Regulations (CCR), Section 50273, precludes Medi-Cal eligibility for certain institutionalized individuals from the date of entry into an institution through the date of release, a ten-day Notice of Action (NOA) is not required prior to discontinuance as discontinuance due to entry into an institution is not considered an adverse action (Title 22, CCR, Section 50015). County welfare departments should immediately discontinue individuals found to be institutionalized/sentenced for a violation of law with an appropriate NOA and request return of the Medi-Cal card. The discontinuance date would be the actual day the individual is booked and placed in a jail cell.

A NOA for the Specialty Mental Health Program may be used:

1. When the MHP (or its provider) assesses a beneficiary and decides that the beneficiary does not meet medical necessity.
2. When the MHP denied, reduces/modifies, defers longer than 30 days or terminates services that a provider is requesting.

The fair hearing process has not been changed. Notices of Action will be printed in threshold languages of California beneficiaries.

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6J--QUESTIONS AND ANSWERS

This section contains various questions that have been asked regarding institutional status and our responses to those questions.

QUESTION 1:

Since there is a real distinction between detention, adjudication, and dispositional orders issued under Welfare and Institutions (W&I) Code, Section 602, and since Section 50273(a)(2) of the Medi-Cal Eligibility Procedures Manual specifically identifies only children detained under Section 602, is a child who is in Juvenile Hall awaiting placement in a foster home or group home as a result of a dispositional order of the Juvenile Court eligible for Medi-Cal benefits since the dispositional court order supersedes the detention orders?

RESPONSE:

Children who are paroled or placed on probation under Section 602 are not considered to be under a penal hold (see Title 22, California Code of Regulations, Section 50273(d)). Similarly, children who have completed their sentence, or against whom all charges have been dropped or dismissed, are not considered to be under a penal hold. Such children could be eligible for Medi-Cal even if still physically present in the Juvenile Hall. The MC 250 would be an appropriate application for these children if they are awaiting placement in foster care (Title 22, California Code of Regulations, Section 50161(b)). Any other "disposition order" would require further review to establish eligibility. Please be advised that a very common problem which occurs with juveniles on probation under Section 602 is that the probation department frequently continues to refer to the juvenile as a "602 child." Eligibility workers should be very careful to accurately ascertain the status of the child prior to completing the eligibility determination. In addition, county probation departments should be advised that the generic term "602 child" is confusing and could lead to an improper denial of Medi-Cal benefits.

QUESTION 2:

In some counties a court may review an arrested juvenile's record and decide to place the child in an alternative living arrangement under the supervision of the probation department without sentencing the child or placing the child on probation. Is such child eligible for Medi-Cal?

RESPONSE:

Such juveniles are generally first-time offenders or repeat offenders the court believes would benefit from removal from an abnormal home situation or from severance of past associations. These are wards of the court, and the court order will generally dispose in some way of the charges brought against the child, i.e., drop the charges, suspend the sentence, place the child on probation, etc. These children would be eligible.

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QUESTION 3:

Is a "602 child" in a mental institution eligible?

RESPONSE:

A child placed by the court in a mental institution for pretrial or presentencing observation or who is sentenced to a mental institution is not eligible. Similarly, a child sentenced to Juvenile Hall or other correctional facility and then transferred to a mental institution due to abnormal behavior is not eligible. A child on probation against whom the charges have been dropped or the sentence suspended or completed is eligible.

QUESTION 4:

Are juveniles arrested and incarcerated under Penal Code sections, rather than Section 602 of the W&I Code, eligible?

RESPONSE:

Anyone of any age who is arrested and incarcerated is ineligible regardless of the code section used. However, most juveniles will initially be arrested under Section 602 even though they may later be charged as adults if the court so decides.

QUESTION 5:

A minor child is sentenced to a term of incarceration. However, due to inadequate space in the juvenile detention center, the child is temporarily placed in a foster home pending available space in the detention center. Is this child eligible?

RESPONSE:

The child is ineligible. The penal authority retains full responsibility for the child, and anyone serving a sentence and not formally released is ineligible.

QUESTION 6:

Are adult offenders sentenced to mental institutions eligible?

RESPONSE:

No. An adult over 22 and under 65 years of age who is serving a sentence for a criminal offense is not eligible when residing in a mental institution. Persons over 65 years of age who are sentenced for a criminal offense are not eligible. Any individual, child or adult, is not eligible if serving a sentence in a mental institution. See the chart on 6H of this Article.

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QUESTION 7:

Are pregnant women serving sentences in jail or prison eligible?

RESPONSE:

No. Care for such women is the responsibility of the jail or prison. However, once born the child is eligible even if living with the mother in the jail or prison as the child has committed no criminal offense and is not sentenced to the jail/prison regardless of the living arrangement.

QUESTION 8:

Are persons sentenced under alternative sentencing methods eligible?

RESPONSE:

Eligibility depends on the wording of the sentence rendered by the court as well as the legal responsibility of a law enforcement agency. In short, to be eligible, the sentence rendered by the court must include the periodic release of the individual and the individual must be released from the jurisdiction of the law enforcement agency for periods of not less than 24 consecutive hours with the law enforcement agency retaining no responsibility for the needs of the individual during that period. Several examples are set forth below:

EXAMPLE A:

An individual is sentenced by the court to serve a term in jail. The sentence provides that the individual is to be permitted to leave the jail daily to attend or go to work; however, the individual must return to the jail after work or school each day and remain incarcerated on weekends, holidays, etc.

RESPONSE A:

This individual is not eligible while serving the sentence. The penal authority retains the responsibility for the individual's care and support.

EXAMPLE B:

An individual is sentenced to jail only on weekends but is not incarcerated during the week by order of the court.

RESPONSE B:

This individual is eligible only during the week and becomes ineligible every weekend. The penal authority is only responsible for the individual's care on weekends.

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EXAMPLE C:

A married couple is sentenced to jail. However, due to the presence of minor children in the home, the court orders that each parent be released on alternate weeks so that one parent is available to care for the children.

RESPONSE C:

Each parent is eligible for the weeks spent in the home and ineligible for any week in which he/she is incarcerated.

EXAMPLE D:

An individual is sentenced to be incarcerated for a given period with no provision for temporary release as described above. The penal authority chooses to place the individual in such a program without confirmation by the court, alteration of sentence, formal parole, or probation.

RESPONSE D:

The individual is not eligible. The penal authority has not been released from responsibility for the individual's care.

EXAMPLE E:

An individual is sentenced to perform community service work in lieu of incarceration. The individual resides at home, performs his/her community service, and is (usually) loosely supervised to ensure compliance with the sentence.

RESPONSE E:

This individual is eligible. The individual is not the financial responsibility of a penal authority until and unless the individual fails to comply with the sentence requirements. If the individual fails to comply with the sentence and is, as a result, incarcerated, the individual becomes ineligible.